

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO,
REGARDING AMENDMENTS TO CHAPTER 11, ARTICLE IV, OF THE TOWN
OF FREDERICK MUNICIPAL CODE, 1992.**

WHEREAS, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Municipal Code, 1992, to make the Code consistent with Town practices, to repeal inapplicable and remnant provisions, and to clarify procedures and regulations applicable to the improvement, construction and maintenance of sidewalks.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Chapter 11 (Streets, Sidewalks and Public Property), Article IV (Sidewalks) of the Frederick Municipal Code, 1992 is hereby repealed in its entirety and reenacted to read as follows:

“ARTICLE IV

Sidewalks, Curbs and Gutters.

Deleted: Sidewalks

Sec. 11-71. Construction of sidewalks, curbs and gutters; permit required.
All sidewalks, curbs and gutters shall be constructed within ninety (90) days from the time that construction of any dwelling or residence or commercial building is commenced on any land in the Town. It shall be unlawful for any person to layout, construct or reconstruct any sidewalk, curb or gutter without first obtaining a permit therefore. (Prior code 20.29)

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Sec. 11-72. Application for permit; grade and line set.
Application for a sidewalk, curb, and gutter permit shall be made to the Town Engineer on a form furnished for that purpose. Before any such construction or reconstruction is commenced, the Town Engineer shall designate the grade upon which and the line or location at which the sidewalk, curb or gutter shall be constructed. (Prior code 20.30)

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Sec. 11-73. Specifications for sidewalks, curbs and gutters.
All sidewalks, curbs and gutters which are constructed or reconstructed shall be built to the specifications and standards contained in the Town of Frederick's Design Standards and Construction Specifications, and Land Use Code.

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Sec. 11-74. Repair of sidewalks, curbs and gutters.
All sidewalks, curbs and gutters shall be maintained with an even surface in good repair and in conformity with the established grade of the streets along which they are

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constructed. All sidewalks, curbs and gutters shall be repaired with concrete. (Prior code 20.32)

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Sec. 11-75. Notice to repair; collection of costs.

When any sidewalk, curb and/or gutter in front or along side of any lot or premises has been destroyed or is out of repair, as determined by the Town Engineer, the Town Engineer shall cause notice in writing to be served upon the owner or agent in charge of such premises to repair such sidewalk, curb and/or gutter within thirty (30) days. If the owner is a nonresident or his or her whereabouts are unknown, such notice may be given by publication twice (2, times), one week apart, in a newspaper of general circulation in the Town and by the Town Clerk's mailing a copy of such notice to the last known address of such owner. Service shall be complete on the last day of publication. If such repairs are not made by the owner within thirty (30) days after perfected service of the notice, the Board of Trustees may order such repairs to be made by the Public Works Department, or by contract with outside Company, with all expenses connected therewith to become a lien upon the property alongside such sidewalks, curbs and/or gutters until the cost thereof is fully paid. When such repairs are made by the Town, the expense thereof shall be assessed by the Town Clerk upon the property fronting upon the same, and if the assessment is not paid within thirty (30) days thereafter, the Town Clerk shall certify such assessment and costs permitted by statute to the County Treasurer, who shall collect such amounts in the same manner as other taxes are collected, with ten percent (100/0) penalty thereon to defray the cost of collection. (Prior code 20.33)

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Sec. 11-76. Removal of snow.

It shall be unlawful for any owner or occupant of any lot, block or parcel of ground within the Town, or for any agent in charge of such property, to allow any snow or ice to accumulate or remain upon any sidewalk alongside such property longer than twenty-four (24) hours from the time of the last accretion of such snow and ice. (Prior code 20.34)

Sec. 11-77. Properties without sidewalks, curbs and gutters.

It shall be the responsibility of all owners of property within the boundaries of the Town, unless previously exempt by the Board of Trustees, to install sidewalks, curbs and gutters, according to the Town specifications within two (2) years from the adoption of the ordinance codified herein by the Board of Trustees. (Ord. 401, § 2, 1995)

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Sec. 11-78. Failure to comply.

Property owners failing to comply with Section 11-77 shall be served notice as detailed in Section 11-75. If the owner of the property fails to install the sidewalk, curb and/or gutter within thirty (30) days after perfected service of the notice, the Board of Trustees may order such installation to be made by the Public Works Department, or by contract with an outside Company, with all expenses connected therewith to become a lien upon the property alongside such sidewalk, curb and/or gutter until the cost is fully paid. (Ord. 401, S 2, 1995)

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Sec. 11-79. Relief to property owners on tax assessment.

The Board of Trustees recognizes that the total assessment for sidewalk, curb and/or gutter installation may be burdensome for some property owners. The Board of Trustees will review appeals by property owners for relief and may order that tax assessments be extended over several years at interest rates set by the Board of Trustees. Nothing in this Section, however, shall be construed as relieving any property owner from the responsibility to install sidewalks on their property. (Ord. 401, S 2, 1995)

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Sec. 11-80. Uniformity of design.

Although it is the intent of the Board of Trustees to adhere to the placement of sidewalks, curbs and gutters, as detailed in Section 11-73, the Board of Trustees recognizes that some areas of the Town have sidewalks that were installed in different styles. The Board of Trustees will not require that these sidewalks be replaced if they are in good repair. (Ord. 401, S 2, 1995)

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Sec. 11-81. Disabled access ramps and alley pans.

It shall be the responsibility of the Town to install disabled access ramps at street corners and alley pans in the original platted part of the Town and in all subsequently subdivided land where such access ramps may not have been previously required and for which the sidewalk, curb and gutter have received final acceptance from the Town. All new development shall be required to construct all disabled access ramps, alley pans and other improvements required by Town Standards. After ramps, alley pans and cross pans have received final acceptance by the Town, the Town shall be responsible for repair and replacement of the same, unless otherwise agreed to by the developer. Adjacent property owners will not be responsible for the cost of such facilities. (Ord. 401, S 2, 1995)

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Secs. 11-82--11-100. Reserved."

Section 2. Effective date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS _____ DAY OF _____, 2009.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornof, Town Clerk

Eric E. Doering, Mayor